

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CULLEN AND CULLEN, LLC, on behalf of
itself and all others similarly situated,

Plaintiff,

v.

M-QUBE, INC., et al.,

Defendants.

NO. 8:13-cv-00172

Honorable Joseph Bataillon

DATE: 10/29/13

TIME: 9:00 a.m.

COURTROOM: 3

**EXPEDITED MOTION OF RICHARD GEIER OF WASHINGTON (1) TO INTERVENE
FOR PURPOSE OF OBJECTING TO PROPOSED SETTLEMENT AND (2) TO
POSTPONE PRELIMINARY APPROVAL HEARING**

Richard Geier (“Mr. Geier”) respectfully moves this Court on an expedited basis (1) to intervene as a Plaintiff in the above-captioned action for purpose of objecting to proposed settlement; and (2) to postpone ruling on motion for preliminary approval.

This motion is based upon the memorandum of law in support filed contemporaneously herewith, the pleadings, records, and files herein which this Court may properly take judicial notice, and upon such other and further evidence and argument as the Court may receive prior to its decision.

This motion should be expedited for several reasons. First, the motion for preliminary approval of the proposed class settlement (Dkt. No. 30) was filed less than two weeks ago. Second, the hearing on preliminary approval was scheduled for October 29 (tomorrow) less than one week ago. Third, there are significant problems with the proposed settlement as detailed in

the memorandum accompanying this motion, and good cause exists to postpone consideration of the preliminary approval.

RESPECTFULLY SUBMITTED AND DATED this 28th day of October, 2013.

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CERTIFICATE OF SERVICE

I, Renae D. Steiner, hereby certify that on October 28, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 28th day of October, 2013.

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